

The Honorable Richard A. Jones

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, INC., a Delaware corporation; and GOPRO, INC., a Delaware corporation,

Plaintiffs,

v.

PENGYU BUILDING MATERIALS, an unknown entity; XUE MINGHAI, an individual, d/b/a PENGYU BUILDING MATERIALS/WHOLESALE OF OUTDOOR; CHENTAOTAO, an unknown entity, d/b/a NANA GYENFIE/EXPLORE THE OUTDOORS; NANA GYENFIE, an individual; HU WEI, an individual; ZHAO RONGLIN, an individual; LI ZHONGYI, an individual; PAN LINXING, an individual; ZHU SHAOCHUAN, an individual; and DOES 1-10,

Defendants.

No. 2:21-cv-00358-RAJ

DECLARATION OF ALEX CALVERT IN SUPPORT OF PLAINTIFFS' *EX PARTE* MOTION FOR EXPEDITED DISCOVERY

[FILED UNDER SEAL]

I, Alex Calvert, declare and state as follows:

1. I am over the age of 18 and competent to testify to the matters stated herein. I have been employed by Amazon.com, Inc. ("Amazon"), or its subsidiaries, since August 25, 2014. The statements below are made based on my review of the relevant business records and are true to the best of my knowledge and belief.

DECLARATION OF ALEX CALVERT
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Davis Wright Tremaine LLP
920 Fifth Avenue, Suite 3300
Seattle, WA 98104-1640
206.622.3150 main - 206.757.7700 fax

2. My current role is Risk Manager for the Amazon Counterfeit Crimes Unit where I am responsible for investigating bad actors suspected of selling counterfeit products in the Amazon stores. My role includes supporting the criminal investigation in China described below.

3. The Amazon Counterfeit Crimes Unit is a global team dedicated to pursuing bad actors and holding them accountable to the fullest extent of the law, including working with law enforcement and pursuing civil lawsuits.

4. Amazon offers third-party resellers and brand owners the ability to sell products in the Amazon store by registering an Amazon Selling Account ("Selling Account").

5. I reviewed the Selling Account information for Defendant Pengyu Building Materials and Defendant Xue Minghai, d/b/a Pengyu Building Materials/Wholesale of Outdoor. The email address registered to the Selling Account is xueminghai96@sina.com. The @sina.com email domain is a free e-mail service popular in China that is operated by the Chinese-based technology company, Sina Corporation. There is no known U.S. business address for this Selling Account, but it is associated with two addresses in China. Upon further investigation, however, both addresses appear to be false and misleading. Defendants also misled Amazon at the time they opened their Selling Account by submitting a credit card statement for verification purposes that appears to have been digitally altered to include a false address to evade Amazon's account registration and seller verification processes. The most recent IP address logs for this Selling Account are from China. Amazon has also determined through investigation that the Selling Account is associated with a bank account at First Century Bank.

6. I reviewed the Selling Account information of Defendant Chentaotao, d/b/a Nana Gyenfie/Explore the Outdoors, and Defendant Nana Gyenfie. The email address registered to the Selling Account is taotaochen83@sina.com. The @sina.com email domain is a free e-mail service popular in China that is operated by the Chinese-based technology company, Sina Corporation. The Selling Account is associated with an address in China.

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1 There is no known U.S. business address for this Selling Account. Furthermore, the most
2 recent IP address logins for this Selling Account are from China. Amazon has also determined
3 through investigation that the Selling Account is associated with a bank account at First
4 Century Bank.

5 7. I reviewed the Selling Account information of Defendant Hu Wei. The email
6 address registered to the Selling Account is mrhuwei86@hotmail.com. The @hotmail.com
7 email domain is a free e-mail service operated by Microsoft. The Selling Account is associated
8 with an address in China, but upon further investigation, the address appears to be false and
9 misleading. Defendant also misled Amazon at the time they opened their Selling Account by
10 submitting a credit card statement for verification purposes that appears to have been digitally
11 altered to include a false address to evade Amazon's account registration and seller verification
12 processes. There is no known U.S. business address for this Selling Account. Furthermore, the
13 most recent IP address logins for this Selling Account are from China. Amazon has also
14 determined through investigation that the Selling Account is associated with a bank account at
15 First Century Bank.

16 8. I reviewed the Selling Account information of Defendant Zhao Ronglin. The
17 email address registered to the Selling Account is zhaoronglin12@sina.com. The @sina.com
18 email domain is a free e-mail service popular in China that is operated by the Chinese-based
19 technology company, Sina Corporation. The Selling Account is associated with an address in
20 China, but upon further investigation, the address appears to be false and misleading.
21 Defendant also misled Amazon at the time they opened their Selling Account by submitting a
22 credit card statement for verification purposes that, upon further review, appears to have been
23 digitally altered to include a false address to evade Amazon's account registration and seller
24 verification processes. There is no known U.S. business address for this Selling Account.
25 Furthermore, the most recent IP address logins for this Selling Account are from China.
26 Amazon has also determined through investigation that the Selling Account is associated with a
27 bank account at First Century Bank.

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1 9. I reviewed the Selling Account information of Defendant Li Zhongyi. The
2 email address registered to the Selling Account is lizhongyii@163.com. The @163.com email
3 domain is a free e-mail service popular in China that is operated by the Chinese-based
4 technology company, NetEase Information Technology and Corporation. The Selling Account
5 is associated with an address in China, but upon further investigation, the address appears to be
6 false and misleading. Defendant also misled Amazon at the time they opened their Selling
7 Account by submitting a credit card statement for verification purposes that appears to have
8 been digitally altered to include a false address to evade Amazon's account registration and
9 seller verification processes. There is no known U.S. business address for this Selling Account.
10 Furthermore, the most recent IP address logins for this Selling Account are from China.
11 Amazon has also determined through investigation that the Selling Account is associated with a
12 bank account at First Century Bank.

13 10. I reviewed the Selling Account information of Defendant Pan Linxing. The
14 email address registered to the Selling Account is panlinxing87@163.com. The @163.com
15 email domain is a free e-mail service popular in China that is operated by the Chinese-based
16 technology company, NetEase Information Technology and Corporation. The Selling Account
17 is associated with an address in China, but upon further investigation, the address appears to be
18 false and misleading. Defendant also misled Amazon at the time they opened their Selling
19 Account by submitting a credit card statement for verification purposes that appears to have
20 been digitally altered to include a false address to evade Amazon's account registration and
21 seller verification processes. There is no known U.S. business address for this Selling Account.
22 Furthermore, the most recent IP address logins for this Selling Account are from China.
23 Amazon has also determined through investigation that the Selling Account is associated with a
24 bank account at First Century Bank.

25 11. I reviewed the Selling Account information of Defendant Zhu Shaochuan. The
26 email address registered to the Selling Account is zhushaochuan86@hotmail.com. The
27 @hotmail.com email domain is a free e-mail service operated by Microsoft. The Selling

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1 Account is associated with an address in China, but upon further investigation, the address
2 appears to be false and misleading. Defendant also misled Amazon at the time they opened
3 their Selling Account by submitting a credit card statement for verification purposes that
4 appears to have been digitally altered to include a false address. There is no known U.S.
5 business address for this Selling Account. Furthermore, the most recent IP address logs for
6 this Selling Account are from China. Amazon has also determined through investigation that
7 the Selling Account is associated with a bank account at First Century Bank.

8 12. In summary, Amazon's investigation has revealed that when Defendants opened
9 their Selling Accounts, they misled Amazon in an effort to obscure or conceal their true
10 locations. To overcome and evade Amazon's policies and controls that require sellers to
11 provide proof of their identities, Defendants provided Amazon, for example, false and
12 misleading credit card statements reflecting their false identities that included digital alterations
13 to include false addresses. Amazon has conducted a thorough investigation to determine the
14 current whereabouts of Defendants but have been unable to discern current locations for them.

15 13. On information and belief, the bank accounts at First Century Bank associated
16 with the Defendants' Selling Accounts are acting as an automated clearinghouse ("ACH") for a
17 company called Payoneer.

18 14. Electronic communication—either through Amazon's internal Seller Central
19 platform or by email—appears to have been the exclusive means by which Amazon contacted
20 the Defendants discussed above.

21 15. Amazon provided the foregoing information to Amazon's counsel at Davis
22 Wright Tremaine LLP.

23 16. Amazon has attempted to identify and locate Defendants in the United States
24 and in China as part of a parallel criminal investigation by (a) using investigative and law
25 enforcement tools; (b) examining the information Defendants provided to Amazon when
26 creating their Selling Accounts; (c) searching public records for the names and addresses
27 provided by Defendants in creating their Selling Accounts; and (d) tracing the IP addresses for

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1 the computers through which logins to Defendants' Selling Accounts were made. To date,
2 Amazon has not been successful in locating the current whereabouts of the Defendants.

3 17. Amazon and GoPro, Inc. are currently conducting a joint parallel criminal
4 investigation in China into the same eight named Defendants at issue in the above-titled case.

5
6 I declare under penalty of perjury that the foregoing is true and correct.

7
8 EXECUTED this 29th day of April, 2021 at Seattle, Washington.

9
10 DocuSigned by:



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Alex Calvert

11
12 * Due to COVID-19 pandemic, original
13 signature unattainable.

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